

## REMARKS

Reconsideration and reexamination is respectfully requested.

The Examiner is thanked for the telephone call on October 5, 2006 concerning the Section 112 rejection.

Claim 1 has been amended to correct a typographical error concerning the definition of R<sup>13</sup>.

Claims 1-3, 5-22, 24, 26-31, 33, 35-39, 41-42 and 48-53 were rejected based on obviousness-type double patenting as being unpatentable over claims 1-12, 36-37 and 41-45 of US Pat. No. 6,759,411 (the '411 patent). The Examiner had maintained the double patenting rejection since a Certificate of Correction had not yet been issued. Applicants were informed by telephone that a Certificate of Correction in US Pat No. 6,759,411 should issue on October 10, 2006. Therefore, based on the Certificate of Correction and the remarks submitted in the Response dated May 11, 2006, withdrawal of the double patenting rejection is respectfully requested.


Claims 1-3, 5-22, 24, 26-31, 33, 35-39, 41-42 and 48-53 were rejected under Section 112, second paragraph, based on the definitions of "J". In claim 1, the language "when M is absent, J is selected from . . ." provides an alternative definition for J that is not meant to be the same as the earlier definition of J. During the telephone call with the Examiner on October 5, 2006, it was explained that when M is absent, a different definition of J is provided. When M is absent, J is next to the nitrogen atom in the ring, and therefore, a different definition of the substituents that are part of J is provided. It is believed that providing an alternate definition for J within the proviso is clear. Therefore, withdrawal of the Section 112 rejection is respectfully requested.

The application is now believed to be in condition for allowance and notification thereof is respectfully requested. The Examiner is welcomed to call Applicant's representative at the telephone number below if he feels a telephone interview would further prosecution of this application.

Respectfully submitted,

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